IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 1414 of 2004(R)

PETITIONER:

A.MOHAMMED KUNJU,
RESIDING AT KARMEL HOUSE,
PALLIMUKKU, VADAKKEVILA.P.O.,
KOLLAM-691 010.

BY ADV. SRI.P.RAJKUMAR,
SMT.NISHI RAJKUMAR.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, THIRUVANANTHAPURAM.**
2. **THE DIRECTOR OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM.**
3. **THE DEPUTY DIRECTOR OF EDUCATION, KOLLAM.**

BY GOVERNMENT PLEADER SMT. LATHA THANKAPPAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

W.P.(C) No.1414 of 2004

Dated 26th February, 2007.

J U D G M E N T

Petitioner is aggrieved by Ext.P3 order passed by the Government. As per the said order, the request of the petitioner for pensionary benefits was rejected. It is stated in the order itself that there was no evidence to prove that the petitioner had applied for leave without allowance from 1.6.1991 and that the petitioner had approached the Department for joining duty on the expiry of the leave and thus ...”your claim is not supported with valid documents.” In the counter affidavit also, it is stated that there was no evidence available with the petitioner to establish that he had duly applied for leave without allowance. It is also stated that the petitioner had not reported for duty one year before the date of superannuation. In the above circumstances, the writ petition is dismissed without prejudice to the liberty to the petitioner to approach the Government, in case he has evidence to prove that he had duly applied for leave and he had reported for duty.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 26th February, 2007.